

Pownal Board of Appeal
Meeting Minutes
December 17, 2019

Present: Arnold & Doris Blackstone, Cindy & Randy Bowden, Audree & John Fox, Jean Marquand, Town Administrator Melissa Henes, Select Board Chair Jon Morris and Zoning Board Secretary Molly White.

Chairman, Richard Hogue, called the meeting to order at 7:00pm.

- I. Members Present: Alternate Nicholas Cote and member David Steckler. Dick, seconded by David, moved to make the Nicholas a voting member for this hearing. Discussion: None. Vote: Yes – 2. No – 0.

- II. HEARING OF THE APPEAL

Re: Jean Marquand of 238 Hallowell Rd

Dick noted that the hearing will be conducted by following the agenda items, giving everyone a chance to speak, Board deliberation and a period for rebuttals. A vote on the Board's decision will be taken at the end. Public notice was posted at the Town Hall and on the Town Website on December 3, 2019.

- The Board of Appeals does have jurisdiction to hear this appeal. The application has been filed and the fee has been paid.
- Summarization of Appeal: The appellant submitted an application for an Administrative appeal to overturn the decision of the Code Enforcement Officer to deny a building permit for a horse training arena. The CEO understands that the lot line closest to where the proposed new building would be built should be considered a front line requiring the building to meet a setback of at least 40 ft. The Zoning Board of Appeals needs to determine how this lot line should be defined. It is to be noted that a barn was erected in 2011 directly beside where the proposed new building would sit. The CEO acting at that time deemed the lot line in question a side line and allowed the barn to be built roughly 28 feet from the lot line. Meeting the 25 ft setback requirement as defined by the Town's definition of side line.
- Questions from the other parties:
Arnold Blackstone wanted to know if the proposed new building would stand alone or be an addition to the existing barn? To which Jean Marquand responded that it would be an extension from the barn that currently exists.
John Fox asked if the new building would interrupt the current view. Jean Marquand explained that the proposed new building will not be as tall as the existing barn so it should not affect the view.
The question raised of whether or not the arena would be used for just personal use or commercial use to which Jean Marquand explain that she had no intent of using it commercially. She has no intention of using it beyond discreet, personal use.
It was also noted by parties present that the maps of the property supplied by the appellant did not reflect the existing barn built in 2011. Jean Marquand explained that she is in the process of having the land resurveyed however due to the time of

year, the firm she is planning to use has a 6-8 week turn-around for that to be accomplished.

- Dick closed the hearing at 7:24pm for the board to deliberate. The board reviewed the definitions of yard front, yard rear and yard side as defined in the Town's Land Use Ordinance Definitions. They also determined the definitions do not include a specific definition for "main building". The Town's Land Use Ordinance Definitions defines a "Yard Front" as requiring open, unoccupied space on the same lot with the building from the proposed building to the lot line. In this case, that space is a separate parcel not owned or occupied by the appellant. A "Yard Rear" requires open, unoccupied space between the rear line of the building and the rear line of the lot. In this case, the proposed new arena would be in line with the existing buildings. A "Yard Side" requires open, unoccupied space on the same lot with the building situated between the building and the side line of the lot. Any lot line not a rear or front line, shall be deemed a side line. The board all agree that the lot line in question is very clearly a side line.
- Dick opened the hearing back up at 7:33pm to allow final comments and questions from those in attendance.
The question of whether or not this appeal would set precedence for future building permits for this property was asked. Mainly pertaining to commercial use of the horse training arena. Jon Morris explained that if Jean Marquand or future owners were interested in using the property commercially, they would need to go before the Planning Board for approval first.
- Dick moved, seconded by David, to approve the application for an appeal of the Code Enforcement Officer's decision to deny the building permit based on the findings of facts proving the lot line in question is indeed a side line. Discussion: None. Vote: Yes-3. No-0.

III. Adjournment 7:52pm.

Respectfully Submitted,

Molly White, Zoning Board of Appeals Secretary